

REMARKS

This Amendment is being filed in response to the Office Action mailed April 23, 2008, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-10 remain in this application, where claim 1 is independent.

By means of the present amendment, the current Abstract has been deleted and substituted with the enclosed New Abstract which better conforms to U.S. practice.

By means of the present amendment, claims 1-10 have been amended for non-statutory reasons, such as for better form including beginning the dependent claims with 'The' instead of 'A', and changing "characterized in that" to --wherein--. Such amendments to claims 1-10 were not made in order to address issues of patentability and Applicant respectfully reserves all rights under the Doctrine of Equivalents.

In the Office Action, the Examiner indicated that claims 5-8

would be allowable if rewritten in independent form. Applicant gratefully acknowledges the indication that claims 5-8 contain patentable subject matter. By means of the present amendment, claims 5-6 have been rewritten in independent form without including certain features that are believed to be not necessary for patentability. Accordingly, it is respectfully requested that independent claims 5-6 be allowed. In addition, it is respectfully submitted that claims 7-8 should also be allowed at least based on their dependence from independent claim 6 as well as their individually patentable elements.

In the Office Action, claims 1-4 and 9 are rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Patent No. 6,840,158 (Cai). Further, claim 10 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Cai in view of U.S. Patent No. 6,009,792 (Kraan). It is respectfully submitted that claims 1-4 and 9-10 are allowable over Cai and Kraan for at least the following reasons.

Cai is directed to a device for making a coffee drink having a crema where pressurized hot water interacts with coffee to produce the coffee drink. An orifice 22 is provided for converting the

coffee drink into a high speed drink jet. A cyclone channel 14 is located below the orifice 22 and is adapted to interact with the jet to generate a cyclone zone 32 therein during preparing the coffee drink.

The cyclone zone 32 stays alive by constantly drawing air in from atmosphere to emulsify with the coffee drink within the cyclone zone 32. The resulting emulsion is constantly driven out of the cyclone zone 32 as a result of the momentum of the jet.

As shown in FIGs 5-6 a reflector 29 is provided "directly below orifice 22 for causing the formation of cyclone zone 32 in the cyclone channel 14." (Column 6, lines 63-64, emphasis added) That is, the Cai reflector 29 causes formation of cyclone zone 32.

It is respectfully submitted that Cai does not teach or suggest the present invention as recited in independent claim 1 which, amongst other patentable elements, recites (illustrative emphasis provided):

wherein the liquid flow path comprises means for evenly distributing the beverage over the at least two outlets by reducing the speed of the beverage flowing from the reservoir to the at least two outlets during operation.

These features are nowhere disclosed or suggested in Cai.

Assuming, arguendo, that the Cai reflector 29 reduces the speed, (which is nowhere disclosed or suggested in Cai), still the Cai reflector 29 merely causes formation of the cyclone zone 32. In fact, the flow may even be faster past the reflector 29 in the grand channel 30, since it appears from FIG 5 that the grand channel 30 is narrower than cyclone channel 14.

There is simply no disclosure or suggestion in Cai of any means for evenly distributing the beverage over the at least two outlets by reducing the speed of the beverage flowing from the reservoir to the at least two outlets, as recited in independent claim 1. Kraan is cited to allegedly show other features and does not remedy the deficiencies in Cai.

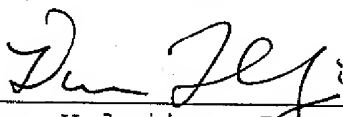
Accordingly, it is respectfully requested that independent claim 1 be allowed. In addition, it is respectfully submitted that claims 2-4 and 9-10 should also be allowed at least based on their dependence from independent claim 1, as well as their individually patentable elements.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of

argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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